GOVERNMENT OF ANDHRA PRADESH

ABSTRACT

PS – PR&RD Department – Allegation of irregularities in execution of the work "Providing BT to the road from Rajupalem to Gunthapalli, via Routhupalli and Payalapalli" in Prakasam District – Disciplinary proceedings and charges against **Sri P. Ganga Naik, Deputy Executive Engineer (PR),** PIU Sub-Division, Cumbum, Prakasam District – Charge not held proved in the inquiry report - Disagreement factors on the findings of I.A as per Rule 21 (2) of APCS (CC&A) Rules, 1991 communicated – Representation of C.O – Imposition of a punishment of withholding two (2) annual grade increments with cumulative effect under Rule 9(vi) of APCS (CC&A) Rules,1991, - Orders – Issued.

PANCHAYAT RAJ & RURAL DEVELOPMENT (VIG-II) DEPARTMENT

G.O.Rt.No.125 **Dated:06.02.204**

Read the following:

1. From the DG, V&E, Vigilance Report No. 7 (C.NO. 1012-1/V&E/E/2015), dated: 10.02.2016.
2. Govt. Memo No. 4353/Vig. II/2016-1, PR&RD (Vig. II) Department, Dated: 20.06.2016.
3. From the ENC, PR, Letter No Vig. III/520403/2017, dated: 10.05.2017.
4. From the Finance (Admn.II) Department, U.O. Note NO. 526/96/WA/Admn.II/2016, dated: 03.08.2017.
5. G.O.Rt.No.09, PR&RD (Vig. II) Department, dt: 07.01.2020.
6. G.O.Rt.No.10, PR&RD (Vig. II) Department, Dt: 07.01.2020.
7. From the ENC, PR, Letter No. Vig. III/V&E/520403/2017, dt: 01.09.2020.
8. G.O.Rt.No. 181, P.R. & R.D (Vig. II) Department, Dt: 31.03.2021.
9. From the ENC, PR, Letter No. Vig. III/V&E/520403/2017, dated: 20.12.2021.
10. Govt. Memo No. 4353/Vig. II/2016-9, PR&RD (Vig. II) Department, Dt: 25.01.2023.
11. From the ENC, PR, Letter No. Vig. III/520403/2017, dated: 03.05.2023.

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ORDER:

Based on the recommendations of the Director General, Vigilance & Enforcement Department made in the reference 1st read above, on the allegation of irregularities in execution of work "Providing BT to the road from Rajupalem to Gunthapalli, via Routhupalli and Payalapalli" in Prakasam District, Government in Panchayat Raj and Rural Development Department have initiated common disciplinary proceedings under Rule 24 of APCS (CC&A) Rules, 1991 duly framing following article of charge under Rule 20 of said Rules vide references

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5th & 6th read above respectively against **Sri P. Ganga Naik, the then Deputy Executive Engineer** (PR), PIU Sub-Division, Cumbum, Prakasam District, with a direction to submit his written statement of defence :

Charge :

That said Sri P. Ganga Naik, Deputy Executive Engineer, PR, Macherla, Guntur District, while working as Deputy Executive Engineer, PIU Sub-Division, Cumbum, Prakasam District has committed grave irregularities in execution of work "Providing BT to the road from Rajupalem to Gunthapalli, via Routhupalli and Payalapalli" in Prakasam District" in as much as he check-measured and recommended for payment for inferior quality of work done in execution of CC pavement in Rajupalem, Rayalayapalli village limits and CC wearing coat on road dam in KM 3/10 using M30 grade concrete costing Rs.34,53,239/- resulting in rejection of work and loss to the Government. Hence the charge.

2. In the reference 7th read above, the Engineer-in-Chief, Panchayat Raj has furnished the written statement of defence dt:24.02.2020 of the charged officer **Sri G. Ganga Naik, Deputy Executive Engineer (PR)** to Government for taking further action.

3. Government, after examination of written statement of defence of the Charged Officer, have decided to conduct a regular inquiry into the charges framed against the charged officer **Sri G. Ganga Naik, Deputy Executive Engineer (PR)** among others. Accordingly, in the reference 8th read above, Government have appointed the Superintending Engineer, Panchayat Raj, Ongole, Prakasam District as Inquiry Authority under Rule 20 (2) of A.P.C.S (CC&A) Rules, 1991, to inquiry into the matter.

4. In the reference 9th read above, the Engineer-in-Chief, PR, AP, Vijayawada has furnished the inquiry report dt;15.11.2021 of the Superintending Engineer, PR, Prakasam District and Inquiry Officer to Government for taking further Action. In the Inquiry Report, the Inquiry Authority has mainly relied on the remarks of the Presenting Officer that in Letter No.A2/NABARD-RIDF-XVI/Guntapalli/2015, dt:16.10.2019 of the Chief Engineer, PR, NABARD, Vijayawada has approved closing bill and working estimate duly cancelling the contract agreement under Clause 60 (a) on the slow progress of execution of work by the Contractor for five years and an amount of Rs.1,10,48,917/- is adjusted to Government Account., as detailed below:-

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a) EMD	: Rs.12,07,300/-
b) ASD	: Rs.15,79,200/-
c) EOAT(fine)	: Rs. 3,00,000/-
d) FSD 7.5%	: Rs.38,32,923/-
e) V&E recovery (deficiency BT)	: Rs. 6,76,255/-
f) V&E recovery(CC pavement)	: Rs. 34,53,239/-
TOTAL	:Rs.1,10,48,917/-

5. The Inquiry Authority has mentioned that due to the above forfeiture of amounts, there is no loss and the work was closed and the charges are basically on loss of Government by executing inferior items of work in CC roads. With regard to BT items, the same are not executed during the tenure of Charged Officer and accordingly Inquiry Authority has held that the charge against the C.O-1 Sri P. Ganga Naik, Deputy Executive Engineer is not held proved.

6. Government have examined the matter and decided to disagree with the findings of Inquiry Authority in respect of Charged Officer for the following reasons:-

"The Inquiry Officer has held that since there is no financial loss to Government and the charges are basically on loss of Govt., and the CC road even after execution of more than 10 years is sustaining and intact; and that the Presenting Officer did not found any fault, the Charge is not established against him.

In so far as the irregularity reported for inferior quality of work done in execution of CC pavements in Rajupalem, Payalapalli village limits and CC wearing coat on road dam in KM 3/10 using M30 grade concrete costing Rs.34,53,239/- resulting in rejection of work, the test results conducted on all the 18 (6 sets x3 Nos) Cores samples extracted from hardened concrete of M30 grade from the CC pavement laid revealed that the average equivalent cube compressive strengths obtained are varying **from 8.17N/mm² to 10.45N/ mm2** only as against specified strength of 25.50N/mm² for M30 grade concrete. **All the cores failed to satisfy the strength requirements as per IS 456-2000 and the concrete laid is liable for rejection. The C.O has not disputed this fact.** The contention of Inquiry Officer that since the said amount was recovered from the Contractor and as such there is no loss to the State Ex-chequer have no bearing and could not absolve the C.O., from the Charge against the charge "that he Check measured and recommended for payment for inferior quality of work done in execution of CC pavements in Rajupalem, Payalapalli village limits and CC wearing coat on road dam in KM 3/10 using M30 grade concrete". Moreover, the fact of recovery made from the

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contractor itself is established proof that inferior quality of work was executed in laying of said CC road for which C.O. is held responsible as he check measured and recommended for payment for the said inferior quality of work executed.

Therefore **the part of the charge** to the extent that he Check measured and recommended for payment for inferior quality of work done in execution of above said CC work is considered **as proved"**.

7. Therefore, Government have decided to hold that the charge framed against Sri P. Ganga Naik, the then Deputy Executive Engineer, PIU, SD Cumbum, now as Deputy Executive Engineer, PRI Sub-Division, Peddakurapadu, Guntur is 'proved'. Accordingly, Government vide reference 10th read above, have communicated the above disagreement factors along with copy of the inquiry report to the charged Officer **Sri P. Ganga Naik, the then Deputy Executive Engineer, PIU Sub-Division, Cumbum, now as Deputy Executive Engineer, PRI Sub-Division, Peddakurapadu, Guntur**, as required under Rule 21 (2) of A.P. Civil Services (CC&A) Rules, 1991, with a direction to submit his representation if any on the above disagreement factors within fifteen (15) days from the date of receipt of memo, for taking further action in the matter.

8. In the reference 11th read above, the Engineer-in-Chief, Panchayat Raj, among others has furnished the representation dt: 21.03.2023 of the Charged Officer-1 Sri P. Ganga Naik, the then Deputy Executive Engineer, PIU Sub-Division, Cumbum and presently working as Deputy Executive Engineer, PRI Sub-Division, Pedakurapadu @ Amaravathi, Guntur District to Government for taking further action.

9. The Charged Officer Sri P. Ganga Naik, Deputy Executive Engineer (PR) in his representation has stated that he has worked as Dy.EE, PIU Sub-Division, Cumbum from 01.05.2013 to 23.11.2014 and during his tenure, he had checked the work upto Grade-III metal layer in KM 1/0 to 5/0, 10/0 to 12/0, CC pavement at (3) villages and road dam at Km 3/10 only. The Vig. & QC wing inspected the work and satisfied all measurements and quality of work. As per the Vigilance & Enforcement Report, the thickness of WBM layers using Grade-II & III, test results of sieve analysis conducted on samples of WBM Grade-II & Gr.III in KM 2,5,11 and KM 13, the gradation requirements are satisfying standard specifications. The physical measurements of CC pavements laid in village limits of Rajupalem, Payalapalli and some pipe culverts / road dams constructed are tallied with the recorded measurements. Regarding CC pavement laid in two village portions & on Road dam at KM 3/10, he had check measured and he had recommended for payment based on the cube test results since there is no equipment available in the Department and there is no practice of extraction of cores during that period. There is no slack or negligence on his part as Dy.EE., since all the measurement fairly

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tallied with recorded measurements and an amount of Rs.1,10,48,917/- has been forfeited / deducted from the Contractor in closing the bill vide Page No. 93, dt: 30.08.2017 which is more than the recovery proposed amount of Rs.34,53,239/- towards rejection of CC pavement & wearing coat by the Vigilance & Enforcement officials and there is no loss. Therefore it is proved beyond doubt that the contents under Para No.3 of Government Memo dt: 25.01.2023 are not tenable and the Charged Officer has requested to consider his representation and to exonerate the charge against him.

10. Government have examined the representation of the charged officer and observe that the Vigilance & Enforcement Department during their inspection have extracted total 18 (6 sets x 3) cores from the hardened concrete of CC pavement with M30 grade in KM1 of Rajupalem Vilage, KM9 in Payalapalli village and from wearing coat laid on road dam in KM 3/10 to ascertain the compressive strength of concrete and the cores were tested on 25.08.2015 in the presence of field officers and V&E officials. As verified from the test results, the average equivalent cube compressive strengths obtained are **varying from 8.17 N/mm2 to 10.45 N/mm2** as against specified strength of 25.50 N/mm2 for M30 grade concrete. All the cores failed to satisfy the strength requirement as per IS 456-2000 and the concrete laid is liable for rejection. CC pavements in Rajupalem, Payalapalli and wearing coat on road dam in KM 3/10 are to be removed and re-laid at the cost of contractor duly recovering the payment already made to the contractor. The rejected value of work is worked out to Rs.34,53,239/-. This speaks voluminously that the charged officer Sri P. Ganga Naik, Dy.EE (PR) has allowed substandard execution. As such, the contention of the charged officer that an amount of Rs.1,10,48,917/- has been forfeited / deducted from the contractor in closing bill which is more than the recovery proposed by the Vigilance & Enforcement Department and no loss is devoid of merits. The charged officer is responsible for substandard execution of work and failed to discharge his duties and as such he is responsible for substandard execution of the work in the mater.

11. Accordingly, Government after careful examination of the matter, have taken decision to impose a punishment of "withholding of two (2) Annual Grade Increments with cumulative effect against the charged officer Sri P. Ganga Naik, former Deputy Executive Engineer, PIU Sub-Division, Cumbum, Prakasam District and presently working as Deputy Executive Engineer, PR Sub-Division, Pedakurapadu @ Amaravthi, Guntur District under Rule 9(vi) of APCS (CC&A) Rules, 1991 in the matter.

12. Accordingly, Government hereby order to impose a punishment of "withholding of two (2) Annual Grade Increments with cumulative effect" against the charged officer **Sri P. Ganga Naik, former Deputy Executive Engineer**, PIU Sub-Division, Cumbum, Prakasam District and presently working as Deputy Executive Engineer, PR Sub-Division, Pedakurapadu @ Amaravthi, Guntur District under Rule 9(vi) of APCS (CC&A) Rules, 1991 in the matter.

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13. The Engineer-in-Chief, Panchayat Raj, A.P., Vijayawada, is requested to take further action accordingly in the matter.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

B RAJSEKHAR
SPECIAL CHIEF SECRETARY TO GOVERNMENT

To
The Engineer-in-Chief, Panchayat Raj, A.P., Vijayawada.
Sri P. Ganga Naik, former Deputy Executive Engineer, PIU Sub-Division, Cumbum, Prakasam District and presently working as Deputy Executive Engineer, PR Sub-Division, Pedakurapadu @ Amaravthi, Guntur District
through The Engineer-in-Chief, Panchayat Raj, A.P., Vijayawada) (with a request to serve the orders on the individual and furnished served copy to Government).

Copy to:
The Secretary to VC, A.P. Vigilance Commission, Velagapudi
The Director General, Vigilance & Enforcement Department, A.P., Vijayawada.
The Panchayat Raj & Rural Development (Estt.I) Department.
OSD to the Hon'ble Dy.CM for PR&RD Department.
PS to Spl. CS to Govt, PR&RD Department.
SF/SC

//FORWARDED::BY::ORDER//

SECTION OFFICER